IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

KELVIN J. MILES, #157867 *
Petitioner,
v. * CIVIL ACTION NO. AW-05-1139

STATE OF MARYLAND *
Respondent.

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MEMORANDUM

A brief overview of Petitioner's writ-filing history in this Court is warranted. Petitioner has filed approximately twenty-five federal habeas corpus petitions in this district with regard to his 1979 and 1980 Maryland convictions. The prior petitions were dismissed, either on the merits, as an abuse of the writ, or as successive.[1] Petitioner was repeatedly informed of the "gatekeeper" requirement for successive petitions under 28 U.S.C. § 2244(b)(3)(A). The most recent dismissal was entered in November of 2004. *See Miles v.* Warden, Civil Action No. AW-04-3660.[2]

It appears that Petitioner became dissatisfied with the summary dismissals of his Petitions as successive. He therefore began to file various emergency motions in two old habeas corpus cases, both of which had been denied and dismissed with prejudice nine to seventeen years earlier by this Court. *See*

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[1] Petitioner's appeals were dismissed by the Fourth Circuit. *See Miles v. Rollins*, 887 F.2d 1080, 1989 WL 117864 (4th Cir., October 5, 1989); *Miles v. Rollins*, 927 F.2d 596, 1991 WL 22917 (4th Cir., Feb. 27, 1991); *Miles v. Waters*, 105 F.3d 647, 1997 WL 1876 (4th Cir., Jan. 7, 1997).

[2] The United States Court of Appeals for the Fourth Circuit recently dismissed the appeal in that matter. *See Miles v. Warden*, 2005 WL 900277 (4th Cir. April 18, 2005) (per curiam).

Miles v. State, S-85-4492 and *Miles v. Waters*, Civil Action No. CCB-95-1334.[3] The motions were denied and, in one instance, the Clerk was directed not to accept any further filings from Petitioner.

In this case, Petitioner has filed a "Petition for All Writs Act." Paper No. 1. He seemingly takes issue with the recent denials of his motions in *Miles v. State*, S-85-4492 and *Miles v. Waters*, Civil Action No. CCB-95-1334, and asks this Court to order Respondent to "show cause why he should not be released from his illegal incarceration from a conviction and sentence that was obtained in violation of the Constitution and the Maryland Declarations of Rights." *Id*. at 2.

The form and manner in which the Petitioner presents this general "Petition for All Writs" is of no matter. The cause of action plainly represents yet another attempt by Petitioner to invoke this Court's habeas corpus jurisdiction in order to overturn his Maryland convictions. Under 28 U.S.C. § 2244(b)(3)(A), he may not so. This action shall be dismissed without prejudice as a successive Petition.

A separate Order follows.

Date: April 28, 2005

"s"
Alexander Williams Jr.
United States District Judge

[3] *Miles v. State*, Civil Action No. S-85-4492, attacked Petitioner's 1980 burglary, assault and battery, and attempted first degree rape convictions in the Circuit Court for Prince George's County, Maryland. *Miles v. Waters*, Civil Action No. CCB-95-1334, raised an attack on Petitioner's 1979 kidnaping conviction in the Circuit Court for Prince George's County.